

## § 47.35

concerning their acquisition and disposition by the registrant. The Director may prescribe a longer or shorter period in individual cases as he deems necessary.

(Approved by the Office of Management and Budget under control number 1512-0387)

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-172, 49 FR 14941, Apr. 16, 1984; T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]

### § 47.35 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

[T.D. ATF-92, 46 FR 46914, Sept. 23, 1981, as amended by T.D. ATF-249, 52 FR 5961, Feb. 27, 1987]

## Subpart E—Permits

### § 47.41 Permit requirement.

(a) Articles on the U.S. Munitions Import List not subject to import control under 27 CFR Parts 178 and 179 shall not be imported into the United States except pursuant to a permit under this subpart issued by the Director.

(b) Articles on the U.S. Munitions Import List intended for the United States or any State or political subdivision thereof, or the District of Columbia, which are exempt from import controls of 27 CFR 178.115 shall not be imported into the United States, except by the United States or agency thereof, without first obtaining a per-

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mit issued by the Director under this subpart.

(c) A permit is not required for the importation of (1) the U.S. Munitions Import List articles from Canada not subject to the import controls of 27 CFR Part 178 or 179, except articles enumerated in Categories I, II, III, IV, VI(e), VIII(a), XVI, and XX; and nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment thereof (see Category XXI); or (2) minor components and parts for Category I(a) firearms, except barrels, cylinders, receivers (frames) or complete breech mechanisms, when the total value does not exceed \$500 wholesale in any single transaction.

[T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]

### § 47.42 Application for permit.

(a) Persons required to obtain a permit as provided in § 47.41 shall file a Form 6 Part I, in triplicate, with the Director. On approval of the application by the Director, he will return the original to the applicant. Such approved application will serve as the permit.

(b) For additional requirements relating to the importation of plastic explosives into the United States on or after April 24, 1997, see § 55.183 of this title.

(Approved by the Office of Management and Budget under control number 1512-0017)

[T.D. ATF-215, 50 FR 42161, Oct. 18, 1985, as amended by T.D. ATF-387, 62 FR 8376, Feb. 25, 1997]

EFFECTIVE DATE NOTE: At 62 FR 8376, Feb. 25, 1997, § 47.42 was amended by designating the existing paragraph as (a) and adding (b), effective Apr. 24, 1997.

### § 47.43 Terms of permit.

(a) Import permits issued under this subpart are valid for one year from their issuance date unless a different period of validity is stated thereon. They are not transferable.

(b) If shipment cannot be completed during the period of validity of the permit, another application must be submitted for permit to cover the unshipped balance. Such an application shall make reference to the previous

permit and may include materials in addition to the unshipped balance.

(c) No amendments or alteration of a permit may be made, except by the Director. No photographic or other copy of an original permit, unless certified by the Director, may be used to effect Customs release.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-325, 57 FR 29787, July 7, 1992]

#### **§ 47.44 Permit denial, revocation or suspension.**

(a) Import permits under this subpart may be denied, revoked, suspended or revised without prior notice whenever the Director finds the proposed importation to be inconsistent with the purpose or in violation of section 38, Arms Export Control Act of 1976 or the regulations in this part.

(b) Whenever, after appropriate consideration, a permit application is denied or an outstanding permit is revoked, suspended, or revised, the applicant or permittee shall be promptly advised in writing of the Director's decision and the reasons therefor.

(c) Upon written request made within 30 days after receipt of an adverse decision, the applicant or permittee shall be accorded an opportunity to present additional information and to have a full review of his case by the Director.

(d) Unused, expired, suspended, or revoked permits must be returned immediately to the Director.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]

#### **§ 47.45 Importation.**

(a) Articles subject to the import permit procedures of this subpart imported into the United States may be released from Customs custody to the person authorized to import same upon his showing that he has a permit from the Director for the importation of the article or articles to be released. In obtaining the release from Customs custody of an article imported pursuant to permit, the permit holder shall prepare Form 6A, in duplicate, and furnish the original and copy to the Customs officer releasing the article. The Customs officer shall, after certification, forward

the original Form 6A to the address specified on the form.

(b) Within 15 days of the date of their release from Customs custody, the importer of the articles released shall forward to the address specified on the form a copy of Form 6A on which shall be reported any error or discrepancy appearing on the Form 6A certified by Customs.

(Approved by the Office of Management and Budget under control number 1512-0019)

[T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]

#### **§ 47.46 Articles in transit.**

Articles subject to the import permit procedures of this subpart which enter the United States for temporary deposit pending removal therefrom and such articles which are temporarily taken out of the United States for return thereto shall be regarded as in transit and will be considered neither imported nor exported under this part. Such transactions are subject to the Intransit or Temporary Export License procedures of the Department of State (see 22 CFR Part 123).

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]

### **Subpart F—Miscellaneous Provisions**

#### **§ 47.51 Import certification and delivery verification.**

Pursuant to agreement with the United States, certain foreign countries are entitled to request certification of legality of importation of articles on the U.S. Munitions Import List. Upon request of a foreign government, the Director will certify the importation, on Form ITA-645P/ATF-4522/DSP53, for the U.S. importer. Normally, the U.S. importer will submit this form to the Director at the time he applies for an import permit. This document will serve as evidence to the government of the exporting company that the U.S. importer has complied with import regulations of the U.S. Government and is prohibited from diverting, transshipping, or reexporting the material described therein without the approval of the U.S. Government. Foreign governments may also require